

MEMORANDUM

DATE: February 23, 2011
TO: Policy Committee
FROM: Melissa Brown
SUBJECT: Article VII. Nonconformities

Introduction

The current zoning ordinance references Nonconformities in Sections 24-628 through 24-637. The intent of these sections is to regulate nonconforming uses in a manner consistent with sound planning and zoning principles. Generally, over time, nonconforming uses should be discontinued or altered in favor of conforming uses with the understanding that such uses need not be entirely static and may change under certain circumstances.

Discussion Items

1. Clearly identify type of nonconformity at issue
 - The ordinance defines nonconforming use as any activity using land, building, sign lot, and/or structure for purposes which were legally established prior to the effective date of this chapter or subsequent amendment to it, and which would not be permitted to be established in a zoning district in which it is located by the currently adopted regulations. The ordinance does not clearly address nonconforming signage or structures.
2. History
 - March 1, 1969 - Zoning Ordinance adopted with Nonconformities reference
 - May 18, 1987 – Expansion of section adopted dealing with alterations and verifications.
 - April 13, 1999 – Ordinance takes current form and two year time limit is added for expiration of a nonconforming use.
 - November 12, 2002 – Addresses replacement of nonconforming mobile homes.
3. Comprehensive Plan GSAs, public input, and PC and BOS direction
 - There was no specific PC or BOS direction regarding this topic. The County Attorney's Office requested the amendments in order to address issues arising from recent cases such as Season's Trace and Autumn West.
4. Solutions and policy options
 - Based on research and commentary from the attorney's staff recommends addressing nonconforming signs, structures and uses in three separate sections.
 - Attached is the Caroline County Code recommended by the attorneys. For reference, other examples are included in the packet.
5. Staff recommendation
 - Staff recommends amending the ordinance to address the various types of nonconformities in separate sections

Conclusion

Staff recommends that the Policy Committee support the revisions proposed to Article VII. Nonconformities.

Attachments

1. Caroline County Ordinance